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CASE :PH7167 US - DIV [1]



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
JOHN DUNCIA, ET AL
PATENT NO.: 6,984,651
ISSUED: 1/10/06
APPLICATION NO: 10/635946
FILED: 08/07/2003
FOR: PIPERIDINE AMIDES AS MODULATORS OF
CHEMOKINE RECEPTOR ACTIVITY

ART UNIT: 1625
EXAMINER: CHANG, CELIA C

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO CORRECT PATENT TERM ADJUSTMENT
PERIOD IN GENERATED PATENT UNDER 37 C.F.R. §1.181**

Sir:

The granted patent erroneously lists the patent term adjustment period as 0 days. Applicants respectfully request that this determination be reconsidered.

The patent term adjustment history from PAIR shows a USPTO delay of 114 days following the payment of the issue fee and Applicant delay of 120 days following payment of the issue fee. It is respectfully submitted that Applicants' delay should only be 0 days, thereby giving a patent term adjustment of 114 days - 0 days, or 114 days.

PAIR lists an Applicant delay of 120 days for a Miscellaneous Incoming Letter which was received by the Patent Office on June 3, 2005, after the Notice of Allowance was mailed on February 22, 2005. This Miscellaneous Incoming Letter was a Letter to the File. The Letter to the File required no further action on the part of the USPTO, other than placing the Letter into the file. Therefore, it is believed that this Letter should not be counted as a delay in the prosecution of the application and should not be counted against Applicants in a Patent Term Adjustment determination.

EL983146601US

The MPEP §2732 lists examples of submissions after Notice of Allowance which will count as reduction of patent term adjustment and those that will not count toward a reduction. Furthermore, in the Official Gazette, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001, clarification of what constitutes a delay after Notice of Allowance is presented. The Official Gazette states that “. . . submission of certain papers after a "Notice of Allowance," which do not cause substantial interference and delay in the patent issue process, are not considered a "failure to engage in reasonable efforts" to conclude processing or examination of an application.” A Letter to the File is not specifically listed in the examples in either the MPEP or the Official Gazette. However, Applicants submit that the submission of a Letter to the File is not a “substantial interference and delay” in the patent process that should trigger a reduction of patent term adjustment under 37 CFR §1.704(c)(11).

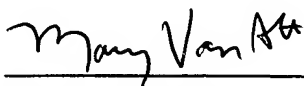
Accordingly, the Patent Term Adjustment History should be adjusted to read 114 days of delay due to the USPTO after the payment of the issue fee and 0 days of delay due to Applicants after the payment of the issue fee, giving a total 114 days of Patent Term Adjustment to Applicants.

Inasmuch as Applicant believes this error is ascribable to the Patent Office, Applicant is requesting reconsideration of the patent term adjustment to 114 days. This petition is being filed within two months of the date of the issued patent under 1.705(d). Accordingly, no fees are required. However, if this is incorrect, the Commissioner is hereby authorized to charge the \$200 fee under 37 C.F.R. §1.18(e) and any additional fees that may be required to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Enclosed is a copy of the cover page of the patent.

Respectfully submitted,

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US006984651B2

(12) **United States Patent**
Duncia et al.(10) **Patent No.:** US 6,984,651 B2
(45) **Date of Patent:** *Jan. 10, 2006(54) **PIPERIDINE AMIDES AS MODULATORS OF
CHEMOKINE RECEPTOR ACTIVITY**(75) **Inventors:** John V. Duncia, Hockessin, DE (US);
Joseph B. Santella, Springfield, PA
(US); Dean A. Wacker, Chadds Ford,
PA (US); Wenqing Yao, Kennett
Square, PA (US); Changsheng Zheng,
Wilmington, DE (US)(73) **Assignee:** Bristol-Myers Squibb Pharma,
Company, Princeton, NJ (US)(*) **Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.This patent is subject to a terminal dis-
claimer.(21) **Appl. No.:** 10/635,946(22) **Filed:** Aug. 7, 2003(65) **Prior Publication Data**

US 2004/0082790 A1 Apr. 29, 2004

Related U.S. Application Data(62) Division of application No. 09/885,550, filed on Jun. 29,
2001, now Pat. No. 6,638,950.(60) Provisional application No. 60/213,066, filed on Jun. 21,
2000.(51) **Int. Cl.**

A61K 31/44 (2006.01)

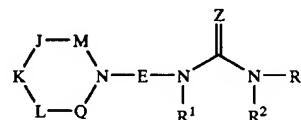
C07D 401/12 (2006.01)

(52) **U.S. Cl.** 514/343; 514/381; 514/397;
514/406; 514/422; 514/428; 544/333; 546/197;
546/199; 546/276.4; 548/250; 548/314.7;
548/364.1; 548/517; 548/518; 548/567(58) **Field of Classification Search** 514/343,
514/381, 397, 406, 422, 428; 544/333; 548/250,
548/314.7, 364.1, 517, 518, 567; 546/197,
546/199, 276.4

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**4,613,695 A 9/1986 Carlsson et al.
5,352,796 A 10/1994 Hoeger et al.
5,668,151 A 9/1997 Poindexter et al.
5,847,148 A 12/1998 Jacobsen et al.
5,880,128 A 3/1999 Doll et al.
5,994,364 A 11/1999 Njoroge et al.
5,998,447 A 12/1999 Stilz et al.**FOREIGN PATENT DOCUMENTS**DE 2614189 10/1977
EP 0685463 2/1994
EP 0842943 11/1997
EP 0842945 11/1997
EP 659743 6/1998EP 0903349 3/1999
EP 915088 5/1999
WO 92/03410 3/1992
WO 93/01167 1/1993
WO 93/06108 4/1993
WO 93/21172 10/1993
WO 95/09859 4/1995
WO 95/13069 5/1995
WO 95/24186 9/1995
WO 96/14317 5/1996
WO 96/16981 6/1996
WO 97/09329 3/1997
WO 97/12876 4/1997
WO 97/14689 4/1997
WO 97/23458 7/1997
WO 97/24325 7/1997
WO 98/04247 2/1998
WO 98/11092 3/1998
WO 98/25604 6/1998
WO 98/31359 7/1998
WO 98/31669 7/1998
WO 98/53814 12/1998
WO 99/50238 10/1999
WO 99/54321 10/1999
WO 00/00477 1/2000
WO 00/35449 6/2000
WO 00/35451 6/2000
WO 00/35452 6/2000
WO 00/35453 6/2000
WO 00/35454 6/2000
WO 00/35876 6/2000
WO 00/35877 6/2000
WO 01/00206 1/2001**OTHER PUBLICATIONS**Wyngaarden et al. "Cecil textbook of medicine" Saunders, p.
1397-98 (1983).*Ikegami et al. "Preparation of azepine . . ." CA 135:137529
(2001).*Atwal et al., "Binding of ATP-Sensitive Potassium Channel
(KATP) Openers to Cardiac Membranes: Correlation of
Binding Affinities with Cardioprotective and Smooth
Muscle Relaxing Potencies", J. Med. Chem., vol. 41, pp.
271-275, 1998.

(Continued)

Primary Examiner—Celia Chang(74) *Attorney, Agent, or Firm*—Mary VanAtten(57) **ABSTRACT**The present application describes modulators of CCR3 of
formula (I):

(I)

or pharmaceutically acceptable salt forms thereof, useful for
the prevention of asthma and other allergic diseases.**13 Claims, No Drawings**